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PC25373A

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT : David James Rawson, et al. EXAMINER :

SERIAL NO. : 10/698354 ART UNIT :

FILED : October 31, 2003 PAPER NO. :

FOR : Therapeutic Proline Derivatives

**Petition to Correct Filing Date as "Date-In" Under 37 C.F.R. 1.10(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This Petition to Correct Filing Date Under 37 C.F.R. 1.10(c) is in response to the Applicants request for filing a Utility Patent Application under 37 C.F.R. 1.53(b) in the above referenced matter.

The Applicants' respectfully submit that on October 30, 2003 Applicants filed a request for Utility Patent Application under 37 C.F.R. 1.53(b). Said application was sent to MAIL STOP PATENT APPLICATION using "Express Mail Post Office to Addressee" service of the United States Postal Service according to 37 C.F.R. 1.10. The number of the "Express Mail" mailing label was placed on the Utility Application Transmittal, Fee Transmittal, Unexecuted Declaration and Power of Attorney, Specification, Certified Copy of Priority Document, Certificate of Mailing: Express Mail, and return postcard in accordance with MPEP § 503.

The Applicants deposited the application directly with an employee of the United States Post Office and received a date-in of October 30, 2003. A copy is attached hereto. The Applicants have also attached hereto a copy of the Shipment Details for the Correspondence obtained from the United States Postal Service web-site as well as a copy of the return postcard received by Applicant's on November 12, 2003.

Based on the foregoing, the Applicants respectfully request that the filing date of the above-identified patent application be corrected to reflect the "date-in" on the "Express Mail" mailing label of October 30, 2003.

10/677,836

- 2 -

PC25386A

The Applicants respectfully submit that this Petition requires a fee and authorization is hereby given to charge any fee, which may be required, or credit any overpayment, to Deposit Account 23-0455.

Respectfully submitted,

Date: 1/28/04

By: 

David R. Kurland  
Registration No. 41,505  
Warner-Lambert Company LLC  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Tel.: (734) 622-7304  
Fax: (734) 622-2928

JC  
JCWSCS 28 JAN 2004

Jan-28-2004 03:00pm

From-

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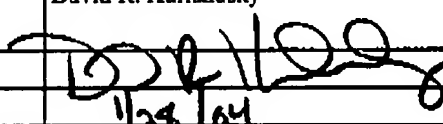
PTO/SB/21 (03-03)

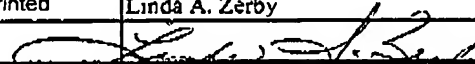
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/698354
	Filing Date	October 31, 2003
	First Named Inventor	David James Rawson, et al.
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	7	Attorney Docket Number PC 25373A

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Correct Filing Date as "Date-In" Under 37 C.F.R. 1.10(c)
Remarks AUTHORIZATION TO CHARGE THE FEE AND ANY ADDITIONAL FEES AS NECESSARY OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455 IS HEREBY GIVEN.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	David R. Kurlandsky	
Signature		
Date	1/28/04	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date <u>1/28/04</u>		
Typed or printed	Linda A. Zerby	
Signature		Date <u>1/28/04</u>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

USPTO Fax No. 703-746-9195

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

## Complete if known

Application Number 10/69835-

Filing Date October 31, 2003

First Named Inventor David James Rawson, et al.

Examiner Name

Art Unit

Attorney Docket No. PC25373A

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

Warner-Lambert Company LLC

23-0455

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 0 Extra Claims Fee from below 18.00 Fee Paid 0.00

Independent Claims 0 - 3\*\* = 0.00 Fee Paid 0.00

Multiple Dependent

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request or ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

## SUBMITTED BY

Name (Print/Type)

David R. Kurlandaky

Registration No.  
(Attorney/Agent)

41,505

(Complete if applicable)

Telephone 734-622-7304

Signature

[Signature]

Date

1/28/04

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Date 10/31/03 Mo. Day Year	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 17.85	
Time In 4:03 AM PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Weight 1 lb 9 oz	Intl Alpha Country Code	COO Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials CT	Total Postage & Fees \$ 17.85	

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10/30/03 04:25PM

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Cashier's Name Cherie  
Stock Unit Id SSACHERIE  
PO Phone Number 734-662-2005  
USPS # 2524950113

1. Exp. Mail PO-ADD n  
Destination: 22313  
Weight: 1lb 8.30oz  
Postage Type: None  
Total Cost: 17.85  
Base Rate: 17.85  
Label#: EK651606192US  
Corporate Acct.: 481749  
Amount Charged: 17.85

Subtotal 0.00  
Total 0.00

Number of Items Sold: 1

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### Shipment Details

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Here is what happened earlier:

- ARRIVAL AT UNIT, October 31, 2003, 8:09 am, DULLES, VA 20102
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THE UNITED STATES PATENT AND TRADEMARK OFFICE IS IN RECEIPT OF A UTILITY APPLICATION FOR FILING UNDER 37 CFR 1.53 (b) INCLUDING:

1. TRANSMITTAL OF PATENT APPLICATION ( 2 PAGES) 031088 U.S. PTO ✓
2. FEE TRANSMITTAL (IN DUPLICATE) 10/698354 ✓
3. AN UNEXECUTED DECLARATION ( 4 PAGES)
4. A SPECIFICATION ( 92 PAGES)  ✓
5. THIRTEEN (13) CLAIMS ( 4 PAGES) 103103
6. AN ABSTRACT OF THE DISCLOSURE ( 2 PAGES)
7. CERTIFIED COPY OF PRIORITY DOCUMENT UK 0225379.7 FILED ON OCTOBER 31, 2002.
8. CERTIFICATE OF MAILING, EXPRESS MAIL NO. EK 651 606 192 US
9. AUTHORIZATION TO CHARGE THE FILING FEE AND ANY ADDITIONAL FEES OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455
10. RETURN POSTCARD

NOV 12 2003

INVENTOR: DAVID JAMES RAWSON

TITLED INVENTION: "THERAPEUTIC PROLINE DERIVATIVES"

DRK:CLP

OCTOBER 30, 2003

PC25373A -DRK

**Docketed**

DATE 12-30-03

FOR TDS - DRK

BY: FGB CHECKED BY:

**Docketed**

DATE 01-30-04

FOR TDS - DRK

BY: FGB CHECKED BY:

*Deadline*